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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,019	11/27/2000	Elwyn B. Davies	476-2041	5640
7590	09/20/2004			EXAMINER MEHRA, INDER P
William M. Lee, Jr. Lee, Mann, Smith, McWilliams, Sweeney & Ohlson PO Box 2786 Chicago, IL 60690-2786			ART UNIT 2666	PAPER NUMBER

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/723,019	DAVIES ET AL.
	Examiner Inder P Mehra	Art Unit 2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 27 November 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 November 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

1. This is in response to application dated: 11/27/00.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-4, 6-9, and 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2-4 recite the limitation "a system" in line 1. There is insufficient antecedent basis for this limitation in the claim. This should be changed to "the system".

Claims 12-14 recite the limitation "a method" in line 1. There is insufficient antecedent basis for this limitation in the claim. This should be changed to "the method".

Claim 6 recites the limitation "the first node" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "second nodes" in line 5. There is insufficient antecedent basis for this limitation in the claim

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6-9, 11-14, 16-18 and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mikkonen et al** (US Patent No. 6,501,741), hereinafter, '741, in view of **Das et al** (US patent No. 6,742,036), hereinafter '036.

For claims 1, 6, 11, 16-18 and 22, Mikkonen '741 discloses "a communications system comprising a first node (Internet host, col. 3 lines 35-60)---communicating with sender host (Internet host, col. 3 lines 35-60) via communication network (col. 3 lines 30-40)----communication protocol (IPv6, col. 3 lines 5-10, and col. 5 lines 60-65)----dynamic address variation facility (dynamic address col. 3 lines 55-60) for managing mobility (col. 6 lines 22-24) of the first node -----the communication protocol (IPv6, col. 3 lines 5-10, and col. 5 lines 60-65, col. 3 lines 35-40, col. 5 lines 64-66, col. 10 lines 15-20)---to support use of the use of second address to identify the first node instead of the first address in response to the non-mobility related requirement to use the second address to identify the first node for communication a packet between the first node and the second node (refer to col. 3 line 65-col. 4 line 2).

Mikkonen '741 does not disclose explicitly the following limitations, which are disclosed by Das's '036, as follows :

- "to support use of second address to identify the first node instead of the first address in response to the non-mobility related requirement to use the second address to identify the first node" (if confirmation fails to occur---the server agent releases an address from existing pool ----for dynamic addressing----IP address matching, refer to col. 3 lines 29-40).

It would have been obvious to a person of ordinary skill in the art at the time of the

invention to use the capability of, "to support use of second address to identify the first node instead of the first address". This capability can be implemented by combining the system as taught by Das's '036. The suggestion/motivation to do so would have been to provide quality of service in wireless network and thus support mobility.

For claims 2-4, 7-9, and 12-14, Mikkonen '741 discloses all the limitations of subject matter with the exception of the following limitations, which are disclosed by Das's '036:

- "use the second address to identify the first node ---requirement to use the second address---- the first node", *as recited by claims 2, 7 and 12*, (if confirmation fails to occur----the server agent releases an address from existing pool ----for dynamic addressing----IP address matching, refer to col. 3 lines 29-40).
- "use the second address to communicate a packet between the first node --- requirement to use the second address---- the first node", *as recited by claims 3, 8 and 13*, (if confirmation fails to occur----the server agent releases an address from existing pool ----for dynamic addressing----IP address matching, refer to col. 3 lines 29-40).
- "use the second address to communicate a packet between the first node --- requirement to route the packet originating from the second node to a third node", *as recited by claims 4, 9 and 14*, (if confirmation fails to occur----the server agent releases an address from existing pool ----for dynamic addressing----IP address matching, refer to col. 3 lines 29-40).

It would have been obvious to a person of ordinary skill in the art at the time of the

invention to use the capability of, "to support use of second address to identify the first node instead of the first address". This capability can be implemented by combining the system as taught by Das's '036. The suggestion/motivation to do so would have been to provide quality of service in wireless network and thus support mobility.

6. Claims 5, 10, 15, 19-21, and 23, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mikkonen et al** (US Patent No. 6,501,741), hereinafter, '741, in view of **Das et al** (US patent No. 6,742,036), hereinafter '036, further in view of **Lemilainen et al** (US Patent No. 6,681,259), hereinafter Lemilainen .

For claims 5, 10, 15, 19-21, and 23, Mikkonen '0741 discloses "a communications system comprising a first node (Internet host, col. 3 lines 35-60) associating with routing packets (abstract, col. 8 lines 15-20) from a second node to the first node via a first access network of a first network of a first type (radio interface, fig. 5) and a second address associated with routing packets from the second node to the first node via a second access network of a second type (GSM or digital cellular network, in fig. 5); the first and second types are different and interconnected by the intermediary network (SGSN, in fig. 5) being arranged to operate in accordance with a communications protocol ((IPv6, col. 3 lines 5-10, and col. 5 lines 60-65) having a dynamic address variation facility (dynamic address col. 3 lines 55-60) for managing mobility (col. 6 lines 22-24) of the first node -----the communication protocol (IPv6, col. 3 lines 5-10, and col. 5 lines 60-65, col. 3 lines 35-40, col. 5 lines 64-66, col. 10 lines 15-20)----to support use of the second address -----to identify the first node -----in response to the non-mobility related requirement to use the second address to identify the first node for

communication a packet between the first node and the second node (refer to col. 3 line 65-col. 4 line 2).

Mikkonen '741 does not disclose explicitly the following limitations, which are disclosed by Das's '036 and also by Lemilainen's '259 , as follows :

- Das's '036 discloses "to support use of second address to identify the first node instead of the first address in response to the non-mobility related requirement to use the second address to identify the first node" (if confirmation fails to occur---the server agent releases an address from existing pool ----for dynamic addressing---IP address matching, refer to col. 3 lines 29-40).
- Lemilainen discloses "to support use of second address to identify the first node instead of the first address in response to the non-mobility related requirement to use the second address to identify the first node" (a terminal A according to the invention can be connected for example to a wireless local area network WLAN or to a GSM mobile communication network MNW", refer to col. 9 lines 15-32;
- Lemilainen discloses "first access network of first type ---second access network of second type; and the first and second types are different" (furthermore, in a terminal A there are several network interface adapters NIC1, NIC2, NIC3 available for coupling to data transmission networks of different types, refer to col. 4 lines 20-25), and are connected by intermediary network" (connected by Internet NW1, fig. 6, refer to col. 9 lines 20-30.).

\* Lemilainen discloses ""computer executable software code stored on a computer readable medium, as recited by claims 19, -21 and 23, refer to col. 4 lines 20-25 and

fig. 2.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of, "to support use of second address to identify the first node instead of the first address". This capability can be implemented by combining the system as taught by Das's '036. The suggestion/motivation to do so would have been to provide quality of service in wireless network and thus support mobility.

*Prior Art of record*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Habert (US Patent No.6,480,900) discloses a communication process via an Internet network that comprises distributed systems.
- Mikkonen (US Patent No. 6,587,457) discloses a method for supporting the quality of service in packet data transmission.

*Conclusion*

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao, can be reached on 572-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Inder Pal Mehra

Inder P Mehra

Examiner

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DANGTON  
PRIMARY EXAMINER